

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 26, 2003

There were no minutes for this date.

May 27, 2003

At 9:29 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Robie, Associate Justice; and Guzman, bailiff. Calendar called.

C039727 WILMSHURST v. CENTRAL VALLEY REGIONAL, etc., et al.

Cause called. Richard E. Wilmshurst argued for himself In Pro Per. Bruce F. Reeves, Deputy Attorney General, argued for respondents. Cause submitted.

At 9:44 a.m., the court recessed. At 9:46 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Hull, Associate Justice.

C038299 ISOM v. STATE OF CALIFORNIA et al.

Cause called. William C. McNeill III argued for appellant. Richard L. Manford, Deputy Attorney General, argued for respondents. Cause submitted.

At 10:11 a.m., the court recessed. At 10:15 a.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C039243 BEACH v. HARCO NATIONAL INSURANCE COMPANY

Cause called. Mark E. Ellis, argued for appellant. Eliot M. Reiner argued for respondent. Cause submitted.

At 10:37 a.m., the court recessed. At 10:43 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C040299 THE PEOPLE v. EVERSOLL

Cause called. Oliver J. Northrup, court appointed counsel, argued for appellant. Natania E. Melamed Moore, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:08 a.m., the court recessed. At 11:13 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

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We concur: Sims, Acting P.J.
 Callahan, J.

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The Minutes

May 28, 2003, continued

- C040383 THE PEOPLE v. BURGER (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
We concur: Raye, Acting P.J.
Morrison, J.
- C040662 THE PEOPLE v. LOWERY (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Hull, J.
Kolkey, J.
- C040757 THE PEOPLE v. JONES (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Hull, J.
Kolkey, J.
- C040781 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C041055 THE PEOPLE v. HAGY (Not for Publication)**
The trial court is directed to amend the minute order and order of probation... As so modified, the judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Nicholson, J.
- C041215 THE PEOPLE v. ELLIS (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
I concur: Blease, Acting P.J.
I concur, except part III, in which I concur in the result.
Morrison, J.

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The Minutes

May 28, 2003, continued

- C041442 THE PEOPLE v. SWINDELL (Not for Publication)**
The order revoking probation is reversed and the matter is remanded to the superior court for further proceedings.
SIMS, Acting P.J.
We concur: Hull, J.
Kolkey, J.
- C042277 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed.
Kolkey, J.
We concur: Davis, Acting P.J.
Morrison, J.
- C037673 WELLS FARGO BANK v. CLARENDON SERVICES, INC. et al.
C038435 (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment. All parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)
BLEASE, J.
We concur: Scotland, P.J.
Hull, J.
- C039756 SIMMS et al. v. NPCK ENTERPRISES, INC. et al. (Certified for Publication)**
The order finding waiver of arbitration and granting an injunction requiring plaintiffs to relinquish possession of fixtures and equipment is reversed. Plaintiffs shall recover their costs on appeal.
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.
- C040100 TERRY et al. v. GARCIA et al. (Certified for Publication)**
The judgment is reversed. Terry shall recover costs on appeal.
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.
- C040161 PALMER et al. v. FLEETWOOD ENTERPRISES, INC., et al.
C040765 (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Kolkey, J.

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May 29, 2003, continued

C034476 ROSS et al. v. REDDING MEDICAL CENTER

(Not for Publication)

The judgment is affirmed. The Medical Center shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: Kolkey, J.
 Robie, J.

**C038246 FAIR POLITICAL PRACTICES COMMISSION v. CALIFORNIANS AGAINST
CORRUPTION et al.**

(Certified for Publication)

The judgment is affirmed. The FPPC's request for judicial notice is granted. Each party shall bear its own costs on appeal. (*CERTIFIED FOR PUBLICATION*)

NICHOLSON, Acting P.J.

We concur: Raye, J.
 Morrison, J.

C040852 CASHMAN v. BROWN et al.

(Not for Publication)

The judgment of dismissal is affirmed.

Raye, J.

We concur: Sims, Acting P.J.
 Robie, J.

C041482 POWELL, JR. v. POWELL

(Not for Publication)

We modify the order awarding Robert one-half the total proceeds from the Lindsey Morden settlement. He is awarded \$34,223,32 from the settlement proceeds, less his proportional share of the attorney's fees and costs incurred in that lawsuit. We reverse the award of attorney's fees pursuant to Family Code section 271. Debi is awarded her costs on appeal. (Cal. Rules of Court, rule 26(a).)

BLEASE, Acting P.J.

We concur: Sims, J.
 Morrison, J.

C041420 In re ALBERTO L.; THE PEOPLE v. ALBERTO L.

(Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Davis, J.

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The Minutes

May 29, 2003, continued

C040230 THE PEOPLE v. CULLEN (Not for Publication)

THE COURT:

It is order that the opinion filed in this case on May 7, 2003, be modified in the following respects:...

This modification changes the judgment.

Appellant's petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P.J.

Davis, J.

Kolkey, J.

May 30, 2003

C036853 THE PEOPLE v. GRISSOM et al. (Not for Publication)

In case No. NCR52137, the judgment is reversed as to Ted's convictions on counts VI (§ 487, subd. (a)) and VII (§ 368, subd. (e)). The remaining convictions are affirmed.

In case No. NCR52138, the judgment is reversed as to Dianna's convictions on counts II (§ 487, subd. (a)) and III (§ 368, subd. (e)). The remaining conviction is affirmed.

Both causes are remanded to the trial court for proceedings consistent with this opinion, including new trials if the People so elect.

KOLKEY, J.

We concur: Raye, Acting P.J.

Robie, J.

C036911 THE PEOPLE v. FERGUSON (Certified for Publication)

The judgment is reversed and the matter remanded to the trial court with directions to suppress the evidence uncovered in the search discussed above.

MORRISON, J.

We concur: Blease, Acting P.J.

Raye, J.

C038744 THE PEOPLE v. VILLANUEVA (Not for Publication)

Defendant's convictions for second degree robbery and obstruction of an officer are affirmed, but the sentence imposed thereon is vacated. The superior court's order, striking defendant's prior serious felony conviction for first degree burglary, is also vacated. The matter is remanded to the superior court with directions to resentence defendant in accordance with the Three Strikes law and the views expressed in this opinion.

KOLKEY, J.

We concur: Scotland, P.J.

Davis, J.

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The Minutes

May 30, 2003, continued

- C039196 THE PEOPLE v. PHIL (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C040442 THE PEOPLE v. MORALES (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Morrison, J.
 Robie, J.
- C040691 THE PEOPLE v. DAVIS (Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
I concur: Nicholson, J.
In concur in the opinion except for part I.B of the Discussion, where I concur in the result.
 SIMS, Acting P.J.
- C042353 THE PEOPLE v. THOMAS (Not for Publication)**
The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the imposition of the \$17 penalty assessment in connection with the \$10 crime prevention program fine, and to forward a certified copy thereof to the Department of Corrections.
KOLKEY, J.
We concur: Davis, Acting P.J.
 Morrison, J.
- C032744 COUNTY OF SACRAMENTO et al. v. SCOTTSDALE INSURANCE COMPANY (Not for Publication)**
The judgment is affirmed. Scottsdale shall recover its costs on appeal.
KOLKEY, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C038299 ISOM v. STATE OF CALIFORNIA et al. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
 Blease, J.

